

## **Summary – Remonstrance Proceedings**

The thesis is focused on the remonstrance and the following special administrative proceedings. The remonstrance represents an ordinary appeal, which can be used to challenge the first instance decision that has not already become enforceable and has been issued by the central administrative office, by the minister or by the director of other central administrative office eventually by the state secretary. Whereas there is no existence of the superior administrative authorities in the organizational structure of the state administration, the same body that issued challenged decision decides on it. It is obvious, that appeal procedure contains a lot of variances and peculiarities, which the thesis points out, compared to the appeal procedure.

The remonstrance is limited to one paragraph and its five sections by the valid and effective legislation of the Administrative Code. The more this relatively brief provision often remains unknown to the general public, the more attention it attracts among the experts.

The thesis aims to give a comprehensive explanation of the remonstrance and its proceedings and subsequent evaluation of the effectiveness of the applicable legislation and to suggest own creative solution of the examined subject. Further, this thesis aims to answer the question of the functionality and independence of the remonstrance and to determine whether this subject has its place in the system of ordinary appeals or whether it should be excluded from this system or even be completely abolished.

Based on the analysis conducted with the help of applicable legislation, relevant case law, professional literature and the comparison with the foreign legislation, in relation to the current legislation, the solved subject was evaluated as certain pre-phase of the filing of administrative action, which is in the direct conflict with the position of the separate appeal, which the remonstrance definitely is. For this reason *de lege ferenda* considerations follow, which aim to increase the effectiveness of the legislation and subsequently increase the functionality of the remonstrance.

The remonstrance can be described as specific, in its own way but unique, ordinary appeal, which has its place in the legal order, but still there are legislative changes that should be made.